

REMARKS

Independent claims 1, 36, 71, 100, 128, and 151 are amended to include limitations directed to a control circuit/module that selects a suitable combination from a plurality of combinations of formatting conventions for the overhead and payload. Example embodiments that support the limitations are described in the specification in the text associated with FIGs. 7, 8, 9, 11, 17, 18, 19, 32, 33, 34, 35, and 36.

Independent claims 91, 120, 144, 167, 173, and 184 are amended to include, depending on whether transmitting or receiving is claimed, limitations directed to modulating the formatted payload data on the formatted overhead data to produce the formatted data unit, or filtering the formatted overhead data from the formatted data unit to produce retrieved payload data. Example embodiments that support these limitations are described in the specification in the text associated with FIG. 15.

Claims 174, 175, 185, 186, and 190 are cancelled to remove any redundancies, and claims 95, 97, 115, 147, 169, 176-181, 187-189, and 192 are amended for consistency with amended base and intervening claims.

New dependent claims 195 and 196 are added to specify that a plurality of second transmission formats conventions are different from one another in the combinations and a plurality of first transmission formats conventions are different from one another in the combinations. These claims are understood to be patentable because they depend from claim 1, which is patentable.

Claims 1-173, 176-184, 187-189, and 191-196 remain, and reconsideration and allowance of the application are respectfully requested.

The rejection of claims 15, 51, 86, and 115 under 35 USC §112, second paragraph, is respectfully traversed because the claims before amendment are thought to be reasonably clear to those skilled in the art. Specifically, "the type" referenced in the claims would be understood to correspond to "type" in the step of "determining type of the at least one target entity" in claim 16, for example. The claims are amended, however, for purposes of expediting prosecution. Note that claim 16 is amended and not claim 15, which was rejected, since claim 15 does not contain "the type" language.

The rejection of claims 93, 121, and 125 under 35 USC §112, second paragraph is respectfully traversed because those skilled in the art would reasonably understand the phrase “substantially equal” in view of paragraph [0188] of the specification. The claims are amended, however, for purposes of expediting prosecution.

The rejection of claims 36, 100, 120, 151, 167, and 184 under 35 USC §112, second paragraph is respectfully traversed because those skilled in the art would reasonably understand the usage of “operably” in the context of the claims. Claims 36, 100, 120, 151, 167, and 184 are amended, however, to remove “operably” for purposes of expediting prosecution.

The rejection of claim 120 under 35 USC §112, second paragraph is respectfully traversed because the objected to language, “the MAN,” does not appear in claim 120.

The rejection of claims 15, 36, 51, 86, 100, 120, 151, 155, 167, and 184 under 35 USC §112, second paragraph, should be withdrawn because the claims are understood to be reasonably definite.

Claims 1-15, 17-50, 52-85, 87-92, 98-114, 116-120, 122, 123 and 126-172 are not shown to be anticipated by “Chen” (US patent 6,859,466 to Chen et al.) under 35 USC §102(e) because the Office Action does not show that all the limitations of the claims are taught by Chen. The independent claims are amended, however, and the rejection is now moot.

Note that the limitations added to independent claims 1, 36, 71, 100, 128, and 151 were not taken from dependent claims and are thought to be patentable over the cited prior art. Example embodiments are shown in FIGs. 7, 8, 9, 11, 17, 18, 19, 32, 33, 34, 35, and 36 and described in the accompanying text in the specification.

The limitations added to independent claims 91 and 120 are adapted from dependent claim 95. Dependent claim 95 is not identified in the Office Action as being rejected over the prior art, and the cited prior art does not appear to suggest the modulating of the payload on the overhead as claimed. Chen appears to modulate the payload and overhead separately, not one on the other. An example embodiment is shown in FIG. 15. Similarly, Chen would not suggest the claimed filtering in claims

144 and 167 since Chen's overhead and payload are not combined by way of modulating the payload on the overhead.

Applicant respectfully requests withdrawal of the rejection of claims 1-15, 17-50, 52-85, 87-92, 98-114, 116-120, 122, 123 and 126-172.

Claims 173 and 184 are not shown to be anticipated by "Greaves" (US patent 7,072,056 to Greaves et al.) under 35 USC §102(e). The rejection is respectfully traversed because the Office Action does not show that all the limitations of the claims are taught by Chen. It will be recognized that these claims now include the limitations of modulating the formatted payload data on the formatted overhead data to produce the data. As explained above, these limitations are not shown to be suggested by the prior art. Therefore, claims 173 and 184 are not shown to be anticipated, and the rejection should be withdrawn.

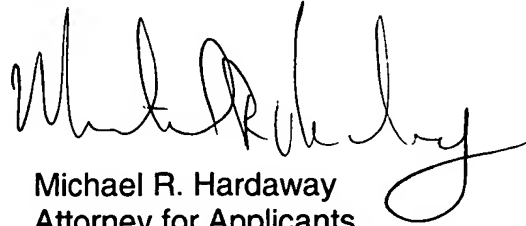
Claims 16, 51, 86 and 115 are not shown to be unpatentable under 35 USC §103(a) over Chen in view of Greaves because a *prima facie* case of obviousness has not been established. These claims depend from base claims 1, 36, 71, and 100, and the limitations are not shown to be suggested for at least the reasons set forth above. Furthermore, the Office Action does not provide evidence to support modifying Chen with teachings of Greaves. Therefore, the rejection of claims 16, 51, 86 and 115 should be withdrawn.

Claims 174-194 are not shown to be unpatentable under 35 USC §103(a) over Greaves in view of Chen because a *prima facie* case of obviousness has not been established. These claims depend from base claims 173 and 194, and the limitations are not shown to be suggested for at least the reasons set forth above. Furthermore, the Office Action does not provide evidence to support modifying Greaves with teachings of Chen. Therefore, the rejection of claims 174-194 should be withdrawn.

CONCLUSION

Reconsideration and a notice of allowance are respectfully requested in view of the Amendments and Remarks presented above. If the Examiner has any questions or concerns, a telephone call to the undersigned is invited.

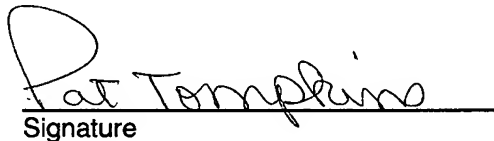
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450, on December 1, 2006

Pat Tompkins
Name


Signature